

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

RICARDO R. GARCIA, DUANE K. GLOVER, ) CASE NO.: 1:19-cv-00331-LO-MSN  
PAUL E. JACOBSON, GAETANO CALISE, )  
MYKHAYLO I. HOLOVATYUK, BRIAN )  
GARCIA, PAUL THOMSON, and DAVID )  
HARTMAN, on behalf of themselves and all )  
others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
VOLKSWAGEN GROUP OF AMERICA, INC. )  
a/k/a AUDI OF AMERICA, INC., and )  
VOLKSWAGEN AKTIENGESELLSCHAFT, )  
 )  
Defendants. )  
 )

**PLAINTIFFS' MEMORANDUM CONCERNING MOTION FOR LEAVE TO FILE  
UNREDACTED REPLY MEMORANDUM AND EXHIBITS IN SUPPORT OF MOTION  
TO COMPEL DISCOVERY RESPONSES AND DOCUMENT PRODUCTION UNDER  
SEAL**

Pursuant to Local Civil Rule 5(C), Plaintiffs Ricardo R. Garcia *et al.* hereby submit this Memorandum Concerning their Motion for Leave to File Unredacted Reply Memorandum and Exhibits in Support of Motion to Compel Discovery Responses and Document Production Under Seal.

Pursuant to Local Civil Rule 5(C), the following materials have been filed under seal with Plaintiffs' motion for leave:

- (1) Plaintiffs' Unredacted Reply Memorandum in Support of Motion to Compel Defendant Volkswagen Group of America, Inc.'s Discovery Responses and Document Production; and
- (2) Plaintiffs' Reply Exhibits Q, R, S, T, U, and V in Support of Motion to Compel Defendant Volkswagen Group of America, Inc.'s Discovery Responses and Document Production.

Pursuant to Local Civil Rule 5(C), Plaintiffs state that they are filing the above-referenced documents under seal pursuant to paragraph 13.5 of the Stipulated Protective Order (Dkt. 131) entered by the Court in this action on September 21, 2020. Specifically,

- (1) Plaintiffs' Reply Memorandum—quotes and characterizes material from documents produced in discovery by Defendant Volkswagen Group of America, Inc. (“VWGOA”), which VWGOA has stamped as CONFIDENTIAL, and which material Plaintiffs have redacted in the Reply Memorandum;
- (2) Plaintiffs' Exhibits Q, R, S, T, U, and V—are documents produced in discovery by Defendant VWGOA, which Defendant has stamped as CONFIDENTIAL.

Plaintiffs take no position on whether any of the above-sealed materials satisfy the appropriate standard to be applied to sealing these documents. Rather, pursuant to Local Civil Rule 5(C), Plaintiffs submit their motion to seal to afford Defendants the opportunity to justify their designations of the documents filed or described as CONFIDENTIAL and to justify their possible sealing.

Dated: February 25, 2021

Respectfully submitted,

/s/ Michael J. Melkersen

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*Attorneys for Plaintiffs and Interim Class Counsel*

**CERTIFICATE OF SERVICE**

I, Michael J. Melkersen, hereby certify that on this date I served a true and correct copy of the foregoing Memorandum upon counsel of record for Defendants by filing via the Court's Electronic Case Filing (ECF) system.

Dated: February 25, 2021

/s/ Michael J. Melkersen

Michael J. Melkersen